

## **PLANNING COMMISSION**

October 23, 2019

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Griswold, Allen, Bonilla, Caballero, Oliverio, Yesney

ABSENT: Commissioner Ballard

## **1. STUDY SESSION AND PUBLIC HEARING: TO BE HEARD AT 5:00 PM**

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### **General Plan Annual Review Session**

*PROJECT MANAGER, KIEULAN PHAM*

## **2. CALL TO ORDER & ORDERS OF THE DAY**

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Meeting called to order at 6:40 p.m.

## **3. JOHN LEYBA: RECOGNITION/RESOLUTION**

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*Vice Chair Griswold presented Commissioner John Leyba with a Commendation from the City and Planning Commission.*

## **4. PUBLIC COMMENT**

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*No comments*

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

## 5. DEFERRALS AND REMOVALS FROM CALENDAR

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

**No Items.**

## 6. CONSENT CALENDAR

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The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **C19-015.** Conventional rezoning of a split-lot zoning from the CG Commercial General and R-M Multiple Residence Zoning Districts to the R-M Multiple Residence Zoning District on an approximately 0.15-gross acre site located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street (19 South 21<sup>st</sup> Street) (VIAM Vapital LLC, Owner). Council District 3. CEQA: Addendum to Envision San José 2040 General Plan Final Program Environmental Impact Report, Supplemental Environmental Impact Report, and addenda thereto (SCH# 2009072096)

*PROJECT MANAGER, RHONDA BUSS*

**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

- 1. ADOPT A RESOLUTION APPROVING THE ADDENDUM, IN ACCORDANCE WITH CEQA, TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO; AND**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.15 GROSS ACRES, SITUATED ON THE WEST SIDE OF SOUTH 21ST STREET APPROXIMATELY 110 FEET SOUTHERLY OF EAST SANTA CLARA STREET (19 SOUTH 21ST STREET), FROM THE R-M MULTIPLE-RESIDENCE ZONING DISTRICT AND THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE R-M MULTIPLE-RESIDENCE ZONING DISTRICT.**

**COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1; BALLARD ABSENT)**

- b. [CPA93-068-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to amend a previously approved permit (File No. CP93-11-068) to allow a 936-square foot addition to an existing 1,703 square foot church annex building to include new classroom and expanded meeting space, and 1,385 square feet of new patio areas and other landscaping improvements on a 1.9 gross-acre site in the R-1-8 Residential District located on the southeast corner of Sierra Road and North Capitol Avenue (1298 North Capitol Avenue) (Northern California Baptist Conference, Owner). Council District 4. CEQA: Exempt pursuant to CEQA Guidelines, Section 15301(e) for existing facilities.

*PROJECT MANAGER, MAIRA BLANCO*

**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:**

1. **CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301(E) FOR EXISTING FACILITIES; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT AND SITE DEVELOPMENT PERMIT TO ALLOW A 936-SQUARE FOOT ADDITION TO AN EXISTING 1,703-SQUARE FOOT CHURCH ANNEX BUILDING TO INCLUDE NEW CLASSROOM AND EXPANDED MEETING SPACE, AND 1,385-SQUARE FEET OF NEW PATIO AREA, INCLUDING NEW PORCHES, A DECORATIVE METAL FENCE, AND NEW LANDSCAPING AREAS, ON A 1.9 GROSS-ACRE SITE IN THE R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT.**

**COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1; BALLARD ABSENT)**

## **7. PUBLIC HEARING**

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Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [CP18-025 & C18-018](#). Conventional rezoning (**C18-018**) from R-1-8 Single Family Residence District to the CN Commercial Neighborhood Zoning District; and Conditional Use Permit (**CP18-025**) to allow the demolition of four total approximately 19,850-square foot, one-story storage buildings, and the construction of a four-story, 125,303-square foot, 152-unit assisted living and memory care facility and removal of twenty ordinance-size trees on a 3.79 gross acre site located on the west side of Union Avenue, approximately 260 feet northerly of Los Gatos Almaden Road (Union School District, Owner). Council District 9. CEQA: Mitigated Negative Declaration for Belmont Village Union Avenue.

*PROJECT MANAGER, ANGELA WANG*

**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS WITH AN ADDED CONDITION OF APPROVAL REGARDING FUTURE LANDSCAPING ADJACENT TO THE RIPARIAN CORRIDOR (CONDITION 41):**

1. **ADOPT A RESOLUTION ADOPTING THE BELMONT VILLAGE SENIOR LIVING FACILITY MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING AN ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED;**
2. **ADOPT AN ORDINANCE REZONING AN APPROXIMATELY 4.69-GROSS ACRE SITE (A PORTION OF APN 421-20-010) GENERALLY LOCATED ON THE WEST SIDE OF UNION AVENUE, APPROXIMATELY 260 FEET NORTHERLY OF LOS GATOS ALMADEN ROAD FROM THE R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT; AND**
3. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF FOUR TOTAL APPROXIMATELY 19,850-SQUARE FOOT, ONE-STORY STORAGE BUILDINGS, AND THE CONSTRUCTION OF A FOUR-STORY, 125,303-SQUARE FOOT, 152-UNIT ASSISTED LIVING AND MEMORY CARE FACILITY AND REMOVAL OF TWENTY ORDINANCE-SIZE TREES ON AN APPROXIMATELY 3.79-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF UNION AVENUE, APPROXIMATELY 360 FEET NORTHERLY OF LOS GATOS ALMADEN ROAD.**

**COMMISSIONER BONILLA SECONDED THE MOTION (6-0-1, BALLARD ABSENT)**

- b. [SP18-001 & T18-001](#). Special Use Permit to allow the demolition of existing on-site buildings, the removal one (1) non-ordinance size tree, and the construction of a 27-story, high-rise tower on an approximately 0.4-gross acre site located at the southeast corner of South 1<sup>st</sup> Street and East Reed Street (600 South 1<sup>st</sup> Street) , comprised of the following options:
1. Option 1: A mixed-use development of no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five (5) commercial condominium units; or
  2. Option 2: A co-living facility of no more than six (6) condominium units including a residential condominium unit for a Co-Living Facility with a maximum of 793 Bedrooms and a maximum of five (5) commercial condominium units.
- Tentative Map to merge two parcels into one parcel and to re-subdivide the parcel into re-subdivide the parcel pursuant to either of the following options:
1. Option 1: One (1) parcel re-subdivided into no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five (5) commercial condominium units; OR
  2. Option 2: One (1) parcel re-subdivided into no more than six (6) condominium units including one (1) residential condominium unit and a maximum of five (5) commercial condominium units.

(Salata James A and Suzanne M Trustee, Owner). Council District 3. CEQA: Garden Gate Tower Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution 78942).

**PROJECT MANAGER, CASSANDRA VAN DER ZWEEP**

**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

1. **ADOPT A RESOLUTION CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE DOWNTOWN STRATEGY 2040 ENVIRONMENTAL IMPACT REPORT (RESOLUTION 78942) AND ADOPTING THE ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN FOR THE GARDEN GATE TOWER PROJECT IN ACCORDANCE WITH CEQA; AND**
2. **ADOPT A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP TO MERGE TWO PARCELS INTO ONE PARCEL AND TO RE-SUBDIVIDE THE PARCEL PURSUANT TO EITHER OF THE FOLLOWING OPTIONS:**  
**OPTION 2: ONE (1) PARCEL RE-SUBDIVIDED INTO NO MORE THAN SIX (6) CONDOMINIUM UNITS INCLUDING ONE (1) RESIDENTIAL CONDOMINIUM UNIT AND A MAXIMUM OF FIVE (5) COMMERCIAL CONDOMINIUM UNITS.**
3. **ADOPT A RESOLUTION APPROVING A SPECIAL USE PERMIT, SUBJECT TO CONDITIONS, TO ALLOW THE DEMOLITION OF EXISTING ON-SITE BUILDINGS, THE REMOVAL ONE (1) NON-ORDINANCE SIZE TREE, AND THE CONSTRUCTION OF A 27-STORY, HIGH-RISE TOWER ON AN APPROXIMATELY 0.4-GROSS ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF SOUTH 1ST STREET AND EAST REED STREET, COMPRISED OF THE FOLLOWING OPTIONS:**  
**OPTION 1: A MIXED-USE DEVELOPMENT OF NO MORE THAN 295 CONDOMINIUM UNITS INCLUDING A MAXIMUM OF 290 RESIDENTIAL CONDOMINIUM UNITS AND A MAXIMUM OF FIVE (5) COMMERCIAL CONDOMINIUM UNITS; OR**  
**OPTION 2: A CO-LIVING FACILITY OF NO MORE THAN SIX (6) CONDOMINIUM UNITS INCLUDING A RESIDENTIAL CONDOMINIUM UNIT FOR A CO-LIVING FACILITY WITH A MAXIMUM OF 793 BEDROOMS AND A MAXIMUM OF FIVE (5) COMMERCIAL CONDOMINIUM UNITS.**
4. **DIRECT STAFF TO FILE A NOTICE OF DETERMINATION PURSUANT TO SECTION 15094 OF THE STATE CEQA GUIDELINES.**

**COMMISSIONER BONILLA SECONDED THE MOTION (4-2-1, ALLEN AND GRISWOLD OPPOSED, BALLARD ABSENT)**

## **8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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## **9. GOOD AND WELFARE**

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- a. Report from City Council

*No Reports*

- b. Review and Approve Action Minutes from [10/9/19](#)

*Commissioner Oliverio made a motion to approve the 10/9/19 minutes with corrections, adding the 11/22/19 retreat. Commissioner Caballero seconded the motion. (5-0-1-1, Ballard absent, Commissioner Griswold abstained)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*Planning Commission Retreat scheduled for 11/22/19.*

- e. The Public Record

*No Reports*

## **10. ADJOURNMENT**

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Meeting adjourned at 8:35 p.m.